

REMARKS:

Reconsideration of the rejections is respectfully requested.

The status of the claims is as follows:

Amended:	144
Cancelled:	None
New:	145
Pending:	142-145
Allowed:	None

The new claim finds support in language at 70:9-22. No new matter is added.

Maintained Objection to the Lack of a Sequence Listing in Computer Readable Form

Submitted herewith is the requested sequence listing. Also enclosed, or provided below, are:

- A. (1) a paper or compact disc copy required by paragraph (c) of 37 CFR §1.821 and (2) computer readable form required by paragraph (e) of 37 CFR §1.821;
- B. the statement required by 37 CFR §1.821(e): the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing; and
- C. the statement required by 37 CFR §1.821(h): the submission does not include matter which goes beyond the disclosure in the international application as filed.

Maintained Objection Asserting New Matter

The reiterated objection has been reviewed. Without conceding the rejection, it is respectfully submitted that the text restorations provided herein reinsert that which the Examiner maintains is needed subject matter.

Maintained Objection Asserting Error in Claim 144

The error noted is corrected by the above amendment.

Claim Rejections - 35 U.S.C. §112, First Paragraph

The prior claims stood rejected under 35 U.S.C. §112, first paragraph, based on an assertion that they presented new matter. Applicant respectfully traverses.

The Office Action asserts that it is the recital that the treatment is maintained until dental plaque is no longer visually observable that is not supported in the specification. However, the specification states at 70:1-3: "The treatment was repeated twice daily until all plaque was completely decomposed."

The Office draws attention to the statement at 70:16-18 reading: "The treatment was continued until all signs of plaque were gone, but not for longer than 7 days." The Office concludes that the specification "explicitly states that the treatment may not continue 'for longer than 7 days.'" Applicant respectfully submits that the language cited states an exemplary protocol found in one dental plaque example, but not the other. The language implies the level of effectiveness of the treatment in this example, but not an bar to a treatment that extends beyond this period. Applicant respectfully submits that the rejection is in error.

Claim Rejections - 35 U.S.C. §103(a)

The prior claims were rejected under 35 U.S.C. §103(a), based on Ratcliff (US 4,837,009), Hellgren (US 4,963,491) and Karlstam (EP 0257003). Applicant respectfully traverses.

As a first matter, Applicant respectfully submits that the rejection is cumulative to the prior rejection based on Hellgen, now withdrawn.

As mentioned and evidenced in prior responses, dental plaque is a highly complex biofilm, with complex accessibility issues. That one material acts on one of the component parts – in the ideal conditions of a substrate specificity test – does not imply effectiveness against the complex mixture in dental plaque. Even for the proven specificity, the complex nature of plaque creates an obstacle to effectiveness – so even artificially focusing on component parts a test tube proven specificity provides no showing of effectiveness. Applicant respectfully submits that the rejection is based on hindsight – namely Applicant's showing of effectiveness – and not the prior art. Applicant respectfully submits that the rejection should be withdrawn.

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Conclusion

In light of the above discussion and amendments, it is respectfully submitted that the claims are in condition for allowance. The issuance of a Notice of Allowance is earnestly solicited.²

Respectfully submitted,



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² FEE DEFICIENCY

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